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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,782	03/03/2000	Kouya Tochikubo	04329.22444	7469
22852	7590	11/15/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			BROWN, CHRISTOPHER J	
		ART UNIT	PAPER NUMBER	
		2134		
DATE MAILED: 11/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/518,782	TOCHIKUBO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher J. Brown	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 25 August 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 4,5,7-13, 17-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 4,5,7-13 and 17-24 is/are rejected.  
 7) Claim(s) 22, 23 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### *Response to Arguments*

1. Although the examiner indicated in the previous action that the application would be in condition for allowance, several new 112 issues were found upon review.

### *Claim Objections*

2. Claims 22, and 23 recites “an decryption key” in line 15, this should be “a decryption key”

Claims 22, and 23 recites “an cryptographic algorithm” in line 18, this should be “a cryptographic algorithm”.

Claims 22, and 23 appears to be missing a “used” on the last line of paragraph 4, “decryption key used for decrypting the encrypted cryptographic algorithm.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2134

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22, and 23 recites the limitation "cryptographic communication " in line 4 . There is insufficient antecedent basis for this limitation in the claim.

Claims 22, and 23 recites the limitation "encrypted cryptographic algorithm " in line 8 .

There is insufficient antecedent basis for this limitation in the claim.

Claims 22, and 23 recites the limitation "encrypted encryption/decryption key " in line 8 .

There is insufficient antecedent basis for this limitation in the claim.

Claims 22, and 23 last paragraph is unclear because it states "encrypting/decrypting communication messages by using the cryptographic algorithm and the encryption decryption key used for cryptographic communication"

The examiner is not certain whether both the algorithm and key are used in "encrypting/decrypting" or the algorithm is used for encrypting and the key is used for communication.

The examiner recommends eliminating the last 4 words "used for cryptographic communication"

Claims 7, 9, 10, 17, and 19 recite the limitation "the information to be transmitted " in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, and 5 refer to the “key” in claim 22. The examiner believes claims 4 and 5 refer to “decryption key” appropriate correction is required.

Claims 9-13, 20, 21, are all dependent on claim 22. Claim 22 states a “cryptographic communication terminal comprising”. Dependent claims 9-13, 20, and 21 all state claims which appear to be broader in scope than claim 22. For example, claim 20 states “a cryptographic communication system comprising not less than two cryptographic communication terminals”. A system claim cannot be dependent on a terminal claim.

Claims 17, and 18 state the “storage according to claim 23”, but claim 23 is a “computer readable medium. While claim 23 recites various “storage sections” it does not contain “storage”. Appropriate correction is required.

Claim 19 appears to be broader than the computer readable medium of claim 23. An apparatus claim, cannot be dependent on a computer readable medium claim. Appropriate correction is required.

Claims 9, 13 and 20 do not contain a preamble. The dependency is written into the middle of the claim. Appropriate correction is required.

Claims 22, 23 and all dependent claims are rejected.

***Allowable Subject Matter***

4. Claims 22, and 23 would overcome the prior art of record if the 112 rejections were overcome.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

11/2/05

Christopher J. Brown  
Supervisory  
Patent Examiner

COB